

REMARKS/ARGUMENTS

Claims 9 through 28 are presently pending. In an office action mailed March 25, 2004 (Paper No. 11), claims 9-28 were rejected under 35 U.S.C. 102(e) as being anticipated by Kolls (US 6,601,040). These rejections are respectfully traversed.

5 Rejections under 35 U.S.C. 102

Kolls fails to provide a basis for the rejection of claims 9 through 28 because it fails to disclose each element of the claimed invention. For example, claim 13 includes a "method for transmitting credit transaction data over a communications medium comprising: receiving credit transaction data from two or more point of sale devices, each reading credit card data from a magnetic stripe of a credit card; determining a point-of-sale device data transmission protocol to use to assemble the credit transaction data into an authorization request; encrypting the authorization request; transmitting the encrypted authorization request over the communications medium; decrypting the encrypted authorization request; determining which of two or more authorization systems is the appropriate authorization system to provide the authorization request to; and transmitting the authorization request to the appropriate authorization system." In contrast, Kolls discloses a system 600 with remote locations 606, 616, 618, 634 and 636 that can each include a "credit bureau." Koll, col. 17, lines 43-45, col. 20, lines 21-23, col. 19, lines 55-57, col. 21, lines 12-14, and col. 18, lines 4-6. (Applicants have provided column and row citations for the relevant portions of the cited references, and would appreciate the same courtesy from the Examiner, as such additional detail is expected to help avoid unnecessary delay that is caused by the rejection of the pending claims over references that do not disclose each of the claim elements). In particular, in location POS system 614 connects directly to remote location 616 through telecommunication line 642. Thus, the Koll system connects individual POS systems directly to credit bureaus such as remote location 616, and not by "receiving credit transaction data from two or more point of sale devices, each reading credit card data from a magnetic stripe of a credit card; determining a point-of-sale device data transmission protocol to use to assemble the credit transaction data into an authorization request; encrypting the authorization request; transmitting the encrypted authorization request over the communications medium." The system of Koll is not even capable of performing these steps, even if they were

disclosed in Koll (which they are not).

Likewise, since these first steps are not performed, there is no need to perform the steps of "decrypting the encrypted authorization request; determining which of two or more authorization systems is the appropriate authorization system to provide the authorization request to; and transmitting the authorization request to the appropriate authorization system." In order to even perform these steps, there would need to be a connection between a "system 500" of Koll and two or more of remote locations 606, 616, 618, 634 and 636. No such connection is shown in Koll, and no such method steps are disclosed.

Although the Examiner has failed to provide any citations within Koll to support the rejections, or any description of how the system and method of Koll is believed to provide a basis under 35 U.S.C. 102 to reject the claims, the Applicants believe that the Examiner may have misunderstood the teachings of Koll in regards to concentrator 608. However, while concentrator 608 could possibly be programmed for use in "receiving credit transaction data from two or more point of sale devices, each reading credit card data from a magnetic stripe of a credit card; determining a point-of-sale device data transmission protocol to use to assemble the credit transaction data into an authorization request; encrypting the authorization request; transmitting the encrypted authorization request over the communications medium," it could just as easily be programmed to transmit credit authorization data from each point of sale device directly to an individual system 500. While neither function is expressly disclosed in Koll, in order for the steps of "decrypting the encrypted authorization request; determining which of two or more authorization systems is the appropriate authorization system to provide the authorization request to; and transmitting the authorization request to the appropriate authorization system" to be performed, it would be necessary for one of systems 500 to be connected to two or more of remote locations 606, 616, 618, 634 and 636, as previously described. Thus, even though the system of Koll bears some passing resemblance to a system that could be programmed to perform the method of claim 13, it falls short in crucial areas that not only make it impossible to program the system of Koll to perform the method of claim 13, but that also teach away from combining Koll with other art so that such functionality could even be implemented. In particular, if one wanted to use the system of Koll to connect a system 500 through concentrator 608 to a credit bureau at a remote location 606, 616, 618, 634 and 636, they could do so by routing the authorization request through an in location POS system 614, and

would not need to have a system that can perform the steps of "decrypting the encrypted authorization request; determining which of two or more authorization systems is the appropriate authorization system to provide the authorization request to; and transmitting the authorization request to the appropriate authorization system." There would be no motivation to modify in
5 location POS system 614 to be able to transmit to two or more authorization systems.

Likewise, claim 22 includes a "system for transmitting credit transaction data comprising: two or more point-of-sale systems, each point-of-sale system using a proprietary data format to read credit card data from a magnetic stripe of a credit card and generate credit transaction data; a remote hub system coupled to a communications medium, the remote hub system receiving the
10 credit transaction data from one or more point of sale systems, translating the credit transaction data from the proprietary data format to a predetermined data format, encrypting the translated credit transaction data, and transmitting the translated encrypted credit transaction data over the communications medium; and a gateway system coupled to the communications medium, the gateway system receiving the encrypted translated credit transaction data, decrypting the
15 encrypted translated credit transaction data, and transmitting the translated credit transaction data to an authorization system." As previously discussed, it appears that the Examiner misunderstood concentrator 608 to be the remote hub, but not only are the functions of the remote hub not disclosed in Koll, there is no gateway system in Koll that can decrypt the encrypted translated credit transaction data and transmit the translated credit transaction data to
20 an authorization system.

In regards to claim 9, Koll fails to disclose an "apparatus for transmitting credit transaction data over a communications medium comprising: a protocol translator receiving the credit transaction data from two or more point of sale systems according to two or more different transmission protocols, each transmission protocol associated with a different credit
25 authorization system, and forming a credit transaction data message; and an encryption system coupled to the protocol translator, the encryption system receiving the credit transaction data message from the protocol translator and encrypting the credit transaction data message." As the system of Koll would at best transmit credit transaction data from a point of sale system to a single credit bureau through a system 500 (as Koll only discloses that a system 500 can connect
30 to a single credit bureau), a credit transaction data message of Koll, assuming *arguendo* that one was even taught, would at best only contain credit transaction data from a single point of sale

terminal.

In regards to claim 17, Koll fails to disclose a "method for controlling the transmission of credit transaction data comprising: transmitting one or more control messages to a remote hub, each control message adapted for one of two or more different point of sale devices; processing 5 the control message at the remote hub; and performing a control function on one of two or more point of sale devices that read credit card data from a magnetic stripe of a credit card at the remote hub in response to the control message if the control message is adapted for the point of sale device." Concentrator 608 of Koll is only used for allowing "fewer direct system 500 interconnections to the first LAN 622 or the second LAN 626," and concentrator 608 of Koll 10 does not perform a control function, such as "updating the remote hub with a protocol module to accommodate a new point of sale device."

Claims 10 through 12 depend from claim 9, claims 14 through 16 depend from claim 13, claims 18 through 21 depend from claim 18, and claims 23 through 28 depend from claim 22, and each are allowable at least for the reasons discussed above in regards to the specific 15 limitations of each claim, because each depends from an allowable base claim, and because each adds limitations not found in the prior art. Withdrawal of all rejections and allowance of all claims is respectfully requested.

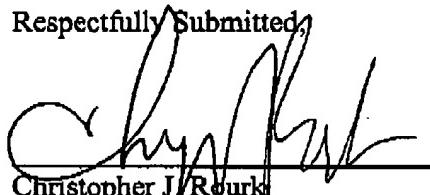
CONCLUSION

In view of the foregoing remarks and for various other reasons readily apparent, Applicants submit that all of the claims now present are allowable, and withdrawal of the rejections and a Notice of Allowance are courteously solicited.

5 If any impediment to the allowance of the claims remains after consideration of this amendment, and such impediment could be alleviated during a telephone interview, the Examiner is invited to telephone the undersigned at (214) 969-4669 so that such issues may be resolved as expeditiously as possible.

10 A petition for a one month extension of time is hereby made. A response within the one-month extension period was due July 25th, which fell on a Sunday. This response is filed on Monday, July 26th, and therefore a fee for a one month extension of time is believed to be due. No additional fee is believed to be required with this response. If any applicable fee or refund has been overlooked, the Commissioner is hereby authorized to charge any fee or credit any refund to the deposit account of Godwin Gruber LLP, No. 50-0530.

Respectfully Submitted,



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